

## **REMARKS**

### **Amendments to the Specification**

By this amendment, applicants have amended the specification to reference the priority applications for the subject application. By the present amendment to the specification, no new matter has been added to the application. Applicants respectively request that this amendment to the specification be entered.

### **Amendments to the Claims**

Claims 1-38 were pending in the subject application. By this Preliminary Amendment, applicants have cancelled claims 1-38 without prejudice to applicants' right to pursue the subject matter of these claims in a future continuation or divisional application, and added new claims 39-53.

Support for new claims 39 and 44 may be found inter alia in the specification, as originally-filed, on page 6, lines 1-39; page 7, lines 20-25; and page 12, lines 12-30. Support for new claims 40-43 and 45-48 may be found inter alia in the specification, as originally-filed, on page 20, line 27 through page 21, line 20. Support for new claim 49 may be found inter alia in the specification, as originally-filed, on page 6, lines 1-39; page 7, lines 33-37; and page 17, lines 15-26. Support for new claims 50-53 may be found inter alia in the specification, as originally-filed, on page 20, line 27 through page 21, line 20.

Applicants respectively note that the addition of new claims 39-53 raises no issue of new matter and respectfully request that the amendment be entered. Accordingly, upon entry of this Amendment new claims 39-53 will be pending and under examination.

## **INFORMATION DISCLOSURE STATEMENT**

In order to ensure compliance with applicants' duty of disclosure under 37 C.F.R. §1.56 and §1.97(a)-(d), applicants request that the following references be considered and made of record in the above-identified application.

1. U.S. Patent No. 6,727,264, issued 04/27/2004;
  2. U.S. Patent No. 6,441,000, issued 08/27/2002;
  3. U.S. Patent No. 5,459,151, issued 10/17/1995;
  4. U.S. Publication No. 2004/0186103, published 09/23/2004;
  5. U.S. Publication No. 2004/0073036, published 04/15/2004;
  6. U.S. Publication No. 2004/0038855, published 02/26/2004;
  7. U.S. Publication No. 2003/0077701, published 04/24/2003;
  8. U.S. Serial No. 10/719,358, filed 11/21/2003, not yet published;
  9. PCT International Publication No. WO 04/058727, published 07/15/2004;
  10. PCT International Publication No. WO 04/005257, published 01/15/2004;
  11. PCT International Publication No. WO 04/004714, published 01/15/2004;
  12. PCT International Publication No. WO 03/004027, published 01/16/2003;
  13. PCT International Publication No. WO 02/094799, published 11/28/2002;
  14. PCT International Publication No. WO 02/030927, published 04/18/2002;
  15. PCT International Publication No. WO 02/006245, published 01/24/2002;
  16. PCT International Publication No. WO 02/002744, published 01/10/2002;
  17. PCT International Publication No. WO 00/021934, published 04/20/2000;
- and
18. Takekawa, S., et al., "T-226296: a novel, orally active and selective melanin-concentrating hormone receptor antagonist", European Journal of Pharmacology, March 2002, 438, pp. 129-135.

C.F.R. §1.98(a)(2)(i) has been amended to eliminate the requirement in paragraph (a)(2)(i) for a copy of each U.S. patent or U.S. patent application publication listed in an IDS in a patent application regardless of the filing date of the application. Accordingly, copies of document numbers 1-7 are not enclosed herewith. Copies of document numbers 8-18 are enclosed.

Mohammad R. Marzabadi, et al.  
Appln No: Not Yet Assigned  
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Page 12 of 12

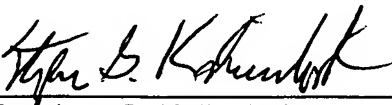
The above-listed reference 12 was cited in the International Search Report dated October 27, 2004 in connection with PCT/US2004/000175. A copy of the International Search Report is enclosed herewith.

It is requested that the Examiner consider the above information and that a copy of each of the enclosed Forms PTO/SB/08a and PTO/SB/08b be initialed and returned indicating that such information has been considered. Applicants respectfully request that the Examiner make the cited references of record in the subject application.

If a telephone interview would be of assistance in advancing the prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, other than the enclosed \$850.00 filing fee for the subject application, is deemed necessary in connection with filing this Preliminary Amendment and Information Disclosure Statement. However, if an additional fee is required, authorization is hereby given to charge this fee, and any other fees not covered by the enclosed check to Deposit Account Number 503201.

Respectfully submitted,



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